

“with agencies of the Department of Defense” and inserting “with agencies and departments of the Federal Government”.

(b) **RULEMAKING.**—Not later than 180 days after the date of enactment of this Act, in order to carry out the amendments made by subsection (a)—

(1) the Administrator of the Small Business Administration, in consultation with the Administrator for Federal Procurement Policy, shall promulgate regulations; and

(2) the Federal Acquisition Regulatory Council established under section 1302(a) of title 41, United States Code, shall amend the Federal Acquisition Regulation.

SA 4238. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1253. LIMITATION ON SECURITY ASSISTANCE AND MILITARY AND SECURITY COOPERATION WITH BURMA.

(a) **IN GENERAL.**—No agency or instrumentality of the United States may supply any security assistance, grant permission to re-transfer defense articles originating in the United States to, or engage in any military-to-military programs with the armed forces or security forces of the Republic of the Union of Myanmar (referred to in this section as “Burma”), including through training, observation, or participation in regional exercises, until the date on which the Secretary of Defense, in consultation with the Secretary of State, certifies to the Committee on Armed Services of the Senate, Committee on Foreign Relations of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives that—

(1) the armed forces of Burma (referred to in this section as the “Tatmadaw”) have returned control of the Government of Burma to duly elected leadership;

(2) the Government of Burma is clearly on the path to civilian control over its security forces, including—

(A) instituting constitutional reforms to relinquish military participation in Government decision making;

(B) abiding by international human rights standards; and

(C) undertaking meaningful and significant security sector reform, including transparency and accountability, to prevent future abuses; and

(3) each of the criteria described in subsection (b) have been met.

(b) **CRITERIA.**—The criteria described in this subsection are—

(1) adherence by the Tatmadaw to international humanitarian law and international human rights law, including a pledge to stop future human rights abuses;

(2) support by the Tatmadaw for efforts to carry out meaningful and comprehensive investigations of alleged abuses, including—

(A) taking steps to hold accountable those members of the Tatmadaw who are responsible for human rights violations; and

(B) advancing justice for survivors, including through cooperating with the Independent International Fact-Finding Mission

on Myanmar, established by the United Nations Human Rights Council in March 2017;

(3) the Government of Burma, including the Tatmadaw—

(A) allowing immediate and unfettered humanitarian access to communities in areas affected by conflict, including Rohingya communities in Rakhine State;

(B) cooperating with the United Nations High Commissioner for Refugees and organizations affiliated with the United Nations to ensure—

(i) the protection of displaced persons; and

(ii) the safe and voluntary return of refugees and internally displaced persons; and

(C) extending recognition of human rights to all the people of Rakhine State, including the Rohingya;

(4) the cessation of Tatmadaw attacks on ethnic minority groups and the constructive participation of the Tatmadaw in the conclusion of a credible, nationwide cease-fire agreement, political accommodation, and constitutional change; and

(5) the release of all political prisoners in Burma.

(c) **REPORT.**—Not later than 30 days after the certification under subsection (a), the Secretary of State, in coordination with the Secretary of Defense, shall submit a report to the congressional committees referred to in subsection (a) that includes—

(1) a description and assessment of the Government of Burma’s strategy for security sector reform, if applicable, including governance and constitutional reforms to ensure civilian control;

(2) a description and assessment of the Government of Burma’s strategy and plans—

(A) to end the involvement of the Tatmadaw in the illicit trade in jade and other natural resources; and

(B) to implement reforms to end corruption and illicit drug trafficking;

(3) a list of past military activities conducted by the United States Government with the Government of Burma;

(4) a description of the United States strategy for any future military-military engagements between the United States Armed Forces and the Tatmadaw, the Burma Police Force, and armed ethnic groups;

(5) an assessment of the progress of the Tatmadaw towards developing a framework to implement human right reforms, including steps taken by the Tatmadaw to demonstrate respect for and implementation of international humanitarian law and international human rights law;

(6) an assessment of how any future engagement with the Government of Burma will effectively further the protection of human rights, including—

(A) cooperation with civilian authorities to investigate and prosecute cases of serious, credible, or gross human rights violations; and

(B) the elements of the military-to-military engagement between the United States and Burma that promote the implementation of human rights reforms;

(7) an assessment of the progress on the peaceful settlement of armed conflicts between the Government of Burma and ethnic minority groups, including actions taken by the Tatmadaw to adhere to cease-fire agreements and withdraw forces from conflict zones;

(8) an assessment of the Tatmadaw’s recruitment and use of children as soldiers; and

(9) an assessment of the Tatmadaw’s use of violence against women, sexual violence, or other gender-based violence as a tool of terror, war, or ethnic cleansing.

SA 4239. Mr. MENENDEZ (for himself, Mr. LEAHY, and Mr. WYDEN) sub-

mitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Saudi Arabia Accountability for Gross Violations of Human Rights Act

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the “Saudi Arabia Accountability for Gross Violations of Human Rights Act”.

SEC. 1292. FINDINGS.

Congress finds the following:

(1) On October 2, 2018, Washington Post journalist Jamal Khashoggi was murdered by Saudi Government agents in Istanbul.

(2) According to the United Nations Special Rapporteur’s June 2019 report, Mr. Khashoggi contacted the Saudi Embassy in Washington regarding required documentation he needed to obtain from Saudi authorities and “was told to obtain the document from the Saudi embassy in Turkey”.

(3) According to press reports, Mr. Khashoggi’s associates were surveilled after having their phones infiltrated by spyware.

(4) On July 15, 2019, the House of Representatives passed by a margin of 405-7 the Saudi Arabia Human Rights and Accountability Act of 2019 (H.R. 2037), which required—

(A) an unclassified report by the Director of National Intelligence on parties responsible for Khashoggi’s murder, a requirement ultimately inserted into and passed as part of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92);

(B) visa sanctions on all persons identified in such report; and

(C) a report on human rights in Saudi Arabia.

(5) On February 26, 2021, the Director of National Intelligence released the report produced pursuant to congressional direction, which stated, “we assess that Saudi Arabia’s Crown Prince Muhammad bin Salman approved an operation in Istanbul, Turkey to capture or kill Saudi journalist Jamal Khashoggi.”. The report also identified several individuals who “participated in, ordered, or were otherwise complicit in or responsible for the death of Jamal Khashoggi on behalf of Muhammad bin Salman. We do not know whether these individuals knew in advance that the operation would result in Khashoggi’s death.”.

(6) Section 7031(c) of division K of the Consolidated Appropriations Act, 2021 states “Officials of foreign governments and their immediate family members about whom the Secretary of State has credible information have been involved, directly or indirectly, in . . . a gross violation of human rights. . . shall be ineligible for entry into the United States.”.

(7) Section 6 of the Arms Export Control Act (22 U.S.C. 2756) provides that no letters of offer may be issued, no credits or guarantees may be extended, and no export licenses may be issued with respect to any country determined by the President to be engaged in a “consistent pattern of acts of intimidation or harassment directed against individuals in the United States”.

(8) Section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304) directs the President to formulate and conduct international